

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING GUIDELINES FOR THE IMPLEMENTATION OF THE CITY OF GARDEN
GROVE LANDSCAPE WATER EFFICIENCY PROVISIONS (APPENDIX 1 OF TITLE 9 OF
THE MUNICIPAL CODE)

WHEREAS, the City of Garden Grove proposes to amend portions of Chapters 9.08, 9.12, 9.16, and 9.18 Title 9 (Zoning Code) of the Garden Grove Municipal Code and to adopt amended Guidelines for Implementation of the City of Garden Grove Landscape Water Efficiency Provisions (Appendix 1 to Title 9) to revise landscape water efficiency requirements in compliance with State law and consistent with the Orange County Model Water Efficient Landscape Ordinance;

WHEREAS, in 1992, the State of California enacted the Water Conservation in Landscaping Act, (AB 325) requiring cities and counties throughout the state to adopt water efficient landscape ordinances;

WHEREAS, following the enactment of AB 325, the Department of Water Resources (DWR) developed a Model Water Efficient Landscape Ordinance (MWELo) to assist and guide cities in the enactment of their own water efficient landscape ordinances to establish water efficient landscape design standards for urban landscapes;

WHEREAS, in 2006, the State of California amended the Water Conservation in the Landscape Act (AB 1881) to direct DWR to update the original MWELo to achieve greater landscape water use efficiency and to require cities and counties to update their local water efficient landscape ordinances by 2010 so that they were "at least as effective" as the MWELo;

WHEREAS, in 2009, a stakeholder formed under the leadership of the Municipal Water District of Orange County and the Orange County Division of the League of California Cities, and including representatives from the County of Orange, cities, local water agencies, Building Industry Association, Orange County Fire Authority, irrigation consultants, landscape architects, and other green industry professionals, developed a locally-crafted Orange County Model Water Efficient Landscape Ordinance (Countywide Model Ordinance) and model implementing Guidelines that met the "at least as effective as" requirement of state law, while minimizing the complexity and cost of compliance and providing consistency between local jurisdictions;

WHEREAS, in compliance with AB 1881, the City of Garden Grove adopted Ordinance No. 2769 in 2010 to amend Title 9 (Zoning Code) of the Garden Grove Municipal Code to incorporate updated landscape water efficiency provisions consistent with the Countywide Model Ordinance and Resolution No. 8943-10 to adopt Guidelines for Implementation of those provisions;

WHEREAS, Governor Brown issued Executive Order (EO B-29-15) on April 1, 2015, directing DWR to update the MWELO by July 15, 2015, to increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture and limiting the portion of landscaping that can be covered in turf;

WHEREAS, the California Water Commission (CWC) thereafter adopted revisions to the California Code of Regulations Title 23, Division 2, Chapter 2.7 "Model Water Efficient Landscape Ordinance", which require cities and counties to adopt local or regional water efficient landscape ordinances that are at least as effective as the updated MWELO;

WHEREAS, the Association of California Cities – Orange County (ACC-OC), the Municipal Water District of Orange County (MWDOC) and Building Industry Association, Orange County (BIAOC) formed a stakeholder group that developed an updated regional Countywide Model Ordinance and Guidelines that are at least effective as the updated MWELO, and which reflect the climactic conditions of Orange County and utilize existing irrigation technologies;

WHEREAS, the State Legislature has found that:

- (a) The waters of the state are of limited supply and are subject to ever increasing demands;
- (b) The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (d) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
- (e) Landscape design, installation, maintenance, and management can and should be water efficient; and
- (f) Article X, Section 2 of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and the right does not and shall not extend to waste or unreasonable method of use of water;

WHEREAS, the City Council hereby finds that:

- (a) Orange County has an established, large reclaimed water infrastructure system;
- (b) Allocation-based and tiered water rate structures allow public agencies to document water use in landscapes;
- (c) Incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991;
- (d) Current local design practices in new landscapes strive to achieve the intent of the state MWELO water use goals;
- (e) Water services within the City are metered and billed based on volume of use;
- (f) Orange County is a leader in researching and promoting the use of smart irrigation controllers and promotion of sustainable landscape transformation with more than 30 million square feet of turf removal;
- (g) All new irrigation controllers sold after 2012 within Orange County were smart irrigation controllers;
- (h) Landscape plan submittal and review has been a long standing practice in the City; and
- (i) The average rainfall in Orange County is approximately 12 inches per year;

WHEREAS, the City, as the local water purveyor, is implementing tiered-rate billing and/or enforcement of water waste prohibitions for all existing metered landscaped areas throughout its service area;

WHEREAS, following a Public Hearing held on June 1, 2017, the Planning Commission adopted Resolution No. 5886-17 recommending approval of Amendment No. A-020-2017, and the updated Guidelines for Implementation of the City of Garden Grove Landscape Water Efficiency Provisions attached hereto;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of the Ordinance approving Amendment No. A-020-2017 and this resolution approving updated Guidelines for Implementation of the City of Garden Grove Landscape Water Efficiency Provisions was held by the City Council on August 22, 2017, continued to September 12, 2017, and all interested persons were given an opportunity to be heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2: The Guidelines for Implementation of the City of Garden Grove Landscape Water Efficiency Provisions attached hereto as Exhibit "A" are hereby approved and adopted by this reference.

SECTION 3: City Council Resolution No. No. 8943-10 and any other resolution inconsistent herewith are hereby repealed to the extent of any such inconsistencies.

SECTION 4: This Resolution shall become effective upon the effective date of the Ordinance approving Amendment No. A-020-2017 introduced concurrently herewith.